

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRACIE DIRAFFAELE,

2:11-CV-1162 JCM (GWF)

Plaintiff,

V.

BAC HOME LOANS SERVICING LP,
et al.,

Defendants.

ORDER

Presently before the court is plaintiff Tracie Diraffaele's motion for remand. (Doc. #7). Defendant GY Residential Investments, LLC has failed to file an opposition. The remaining defendants have been dismissed from the action.

Local Rule of Civil Practice 7-2(d) states: "The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion."

21 The instant action was removed to federal court on July 14, 2011 by defendant BAC Home
22 Loans Servicing, LP on diversity and federal question grounds.

23 On August 24, 2011, this court entered its order granting the stipulation of dismissal as to
24 defendants BAC Home Loans Servicing, LP, MERS, and Recontrust Company, N.A. Each of these
25 defendants were residents of another state. The only remaining defendant, GY Residential
26 Investments, LLC is an alleged resident of Nevada. Compl. ¶ 5. Accordingly, diversity jurisdiction
27 is destroyed.

Furthermore, this court finds that the causes of action pleaded in the complaint are substantially questions of state law that do not implicate federal questions.

3 || Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that plaintiff's motion for
5 remand (doc. #7) be, and the same hereby is, GRANTED.

6 DATED September 9, 2011.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE